

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Arjun Vasan,

Plaintiff and Counter-Defendant

vs.

Checkmate.com, Inc.,

(dba "Checkmate"),

Defendant and Counterclaimant

Case No.: 2:25-cv-00765-MEMF-ASx

Hon. Alka Sagar | DISCOVERY MATTER

**NON-PARTY VASAN VARADARAJAN'S
MOTION TO COMPEL REMOTE
DEPOSITION**

TO THE HONORABLE COURT, ALL PARTIES AND COUNSEL OF RECORD:

I, Non-party Vasan Varadarajan ("Movant"), respectfully submit this motion to request permission to appear remotely for the deposition by Checkmate Counsel scheduled on January 12, 2025 at 11:00 A.M.

This motion is necessitated due to Checkmate's refusal to agree on a remote deposition. This is in spite of providing them new information on private health and Doctor's recommendation. Several emails were exchanged including attachments of the above (Exhibit A), along with information on court rules on allowing remote depositions, the common use of such in California courts.

1 The current spread of flu and hospitalizations which have hit a record high in 25 years also
2 underlines the importance of being remote to reduce risks in my health condition.

3 I have also provisioned for a private room for the remote deposition, without any possibility of
4 Plaintiff interference during the same, as this was one of the reasons cited for an in-person
5 deposition

6 Checkmate's refusal to respond after issues were addressed, has left me no recourse but to file
7 this motion.

10 Date: Jan 6, 2026 Respectfully Submitted,

11 Non-Party (pro se): Vasan Varadarajan

12 *Vasan. V.S.*
13

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1 **DECLARATION OF GOOD CAUSE**

2 **1. Reasons**

3 Health:

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- I have a heightened risk of serious illness due to multiple medical conditions, which could be exacerbated by travel time to the deposition location and duration of deposition. I have a notes from my doctor on one or more of my medical conditions and recommendation remote appearance (Exhibit A). These conditions make me a high risk individual, with compromised immune systems.
- Heightened health risks due to the rapid spread of the current Flu. This has now reached the highest level in 25 years (Exhibit B – links to information)

8 Court Rules/case citations:

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- Rule 3.1010 governs remote depositions, allowing parties to conduct oral depositions via telephone, video conference, or other electronic means. A deponent (party or non-party) can also appear remotely, no longer requiring physical presence with the court reporter. With mutual agreement technology, confidentiality, and exhibit handling. These new platforms and best practices have been widely adopted.
- In case "University of San Diego Tuition and Fees COVID-19 Refund Litigation" - Case No. 20-cv-1946-LAB-WVG, 2023: "Court ORDERS the depositions of Plaintiffs Catherine Holden and Edgar Chavarria to be conducted remotely"
- In case "RODRIGUEZ v. MONTEFIORE MEDICAL CENTER LLC (2020). **Supreme Court, Bronx County, New York:** "ORDERED, that plaintiff's motion to compel defendants to conduct depositions remotely is granted – (over objections by the defendants)". The arguments by the defendant included the objection that remote means would allow improper coaching and hinder the ability to assess credibility. The court found such generalized justifications were insufficient.
- In Kamradt v. Esurance Insurance Company: US District Court for the Western District of Washington (No. 2:2022cv01445) the court compelled remote depositions for the plaintiff due to health reasons over the objections of the defendant. The court noted the defendants argument amounted to "Other than the generalized prejudice associated with all remote depositions, Defendant offers no persuasive argument for any additional particularized prejudice"

1
2 Good Faith effort to obtain consent from Checkmate Counsel:
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4 On Fri, Jan 2, 2026 at 8:36 PM Checkmate sent an email of service ‘Notice of Deposition
5 of Vasan Varadarajan.’ (Exhibit D) indicating an in-person deposition at their offices
6 (10100 Santa Monica Blvd). The next day (Sat, Jan 3, 2026) I made a request for Remote
7 Deposition for health reasons. Doctor’s recommendation of Remote appearance which
8 indicated private health conditions were attached. The remote appearance technology
9 requirements and privacy and confidentiality were appropriately addressed. A reply by
10 Mon. Jan 5 was requested. Checkmate did not respond and I sent another reminder on Jan
11 5th, to which the reply was “We will not be responding to further emails of this nature...”
12 and referred to the Court order.

13 The Court order document does not explicitly reject Remote depositions:

14 1. Mr. Vasan Varadarajan ..”has not responded to Checkmate’s repeated requests for
15 information substantiating his request for a remote deposition due to health issues, or an
16 inability to appear in person” - **This has been addressed by provision of Doctor’s
17 recommendation and health conditions.**

18 2. “"Checkmate has valid reasons for requiring an in-person deposition due to Plaintiff’s
19 improper interference with its attempts to obtain discovery and subpoena compliance from
20 V. Varadarajan”. **This has been addressed with the deposition to take place with
21 deponent (Vasan Varadarajan) being only person present in a private room.**

22 Further Checkmate Counsel served notice “Notice of Deposition of Vasan Varadarajan.”
23 by email on Fri, Jan 2, 2026 at 8:36 PM and by Fedex recv'd on Jan 6th, 2026. This is less
24 than the typical 10 days before the deposition (11:00 AM Jan 12). Checkmate had more
25 than a month’s time to do the service. This has deprived me of time to respond
26 appropriately to this service.

27 The email chain is in Exhibit C my communication with Checkmate supporting the above
28 points.

29 **CONCLUSION**

30 For the foregoing reasons, the motion should be granted allowing for a remote deposition
31 on the scheduled date of Jan 12, 2026 or an alternate date.

1 **Vasan Varadarajan's Request to Hon. Judge Alka Sagar:**

2 The court has Deferred consideration of a Sanctions motion against me initiated by
3 Checkmate.

4 I respectfully request that this Motion be NOT considered as recalcitrance on my part to
5 my obligations to the court. I have produced the relevant documents and details of the
6 production process, privilege log etc. on Schedule - Dec 22, 2025.

7 Checkmate has **gamified** this Deferred consideration of a Sanctions motion as a weapon,
8 first by one of their team and then another claiming non compliance and threatening more
9 sanctions and fees. They have disregarded acceptance of their own meet and confer offers
10 and ignored/not responded to meet and confer offers by me, or use of the court's informal
process to resolve issues wherever possible.

11 Nevertheless, I will attend the in-person deposition at the KL-gates office on Jan 12 as
12 noted in the service, in the event the court does not consider this motion before that date
13 and have so declared in item 3 in the Declaration below.

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Declaration of Vasan Varadarajan

1. Remote Appearance Technology:

- I have a reliable internet connection, a computer with a camera and microphone/headphones, and will be in a private room with no distractions.

2. Court procedures:

- I have reviewed this courts civil procedures on Video appearances and will comply with those rules.

3. I will attend the in-person deposition at the KL-gates office on Jan 12 as noted in the service, in the event the court does not consider this motion before that date.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Respectfully submitted,

Executed: January 6, 2025

Vason. V.S.

In: Cerritos, California

Vasan Varadarajan, Non-Party

1 **TABLE OF AUTHORITIES**

2 Cases:

3 1. University of San Diego Tuition and Fees COVID-19 Refund Litigation' -
4 Case No. 20-cv-1946-LAB-WVG. (ORDER REGARDING DISCOVERY DISPUTE RAISED
5 JANUARY 6, 2023; REMOTE DEPOSITIONS OF PLAINTIFFS)
6 2. "RODRIGUEZ v. MONTEFIORE MEDICAL CENTER LLC (2020). Supreme Court, Bronx
7 County, New York (ORDERED, that plaintiff's motion to compel defendants to conduct
8 depositions remotely is granted – over objections by the defendants)
9 3. Kamradt v. Esurance Insurance Company: US District Court for the Western District of
10 Washington (No. 2:2022cv01445)

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Exhibit A – Doctor's Recommendation and Notes

SRIVIDYA VENKATARAMAN, M.D., M.P.H.
3816 WOODRUFF AVENUE, SUITE 407
LONG BEACH, CA 90808
(562) 497-9314 TEL.
(562) 497-9315 FAX

DEA # BV4741749
LIC. # A55317

NAME Yacan Vandarajan DOB 10/07/55
ADDRESS _____ DATE 10/20/25

TAMPER-RESISTANT SECURITY FEATURES LISTED ON BACK OF SCRIPT

R To whom it may concern:

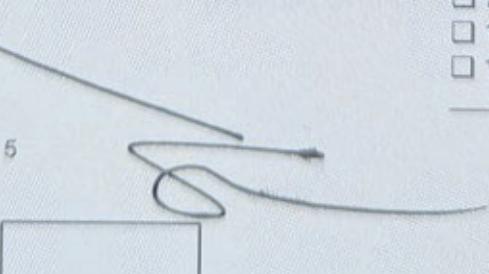
Patient has Type 2 DM
and reports delayed post
covid symptoms –

Please accommodate remote
court appearance

1-24
 25-49
 50-74
 75-100
 101-150
 151 and over

_____ Units

Refill NR 1 2 3 4 5

DO NOT SUBSTITUTE 

To ensure brand name dispensing personally initial box.

 000495

4J13FP0072660

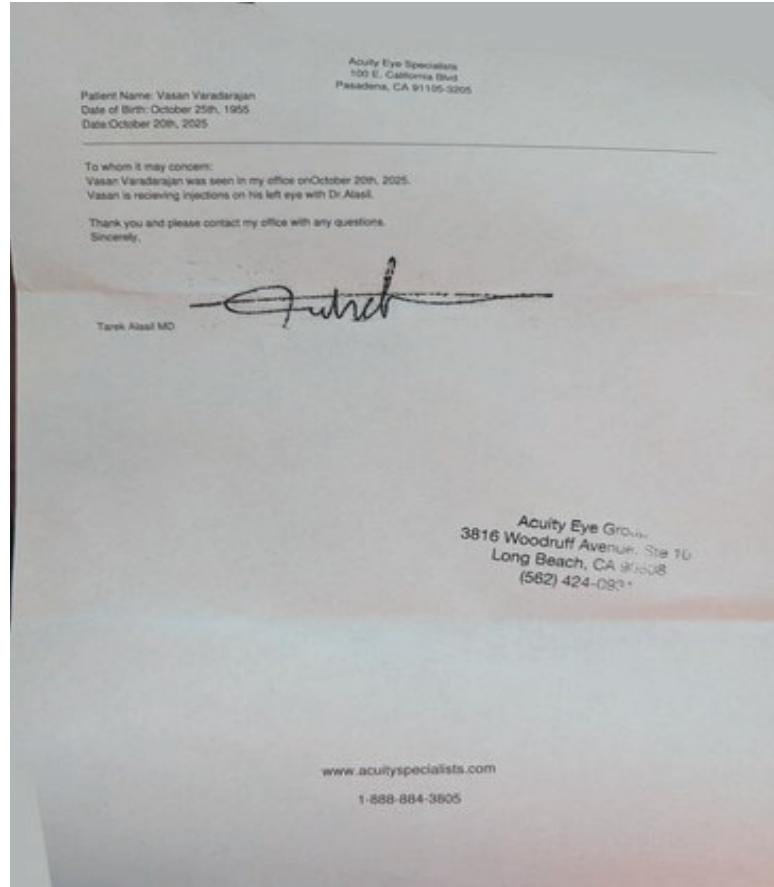


Exhibit B – links to Flu infection reaches the highest level in 25 years:

1. <https://www.azfamily.com/2026/01/06/flu-reaches-highest-levels-25-years-likely-get-worse-health-officials-say/>
2. <https://www.cdc.gov/fluview/surveillance/2025-week-52.html>



Vasan Varadarajan <vsvconsult@gmail.com>

Arjun Vasan v. Checkmate.com, Inc.; CV 25-00765-MEMF (ASx)

5 messages

Makitalo, Rebecca I. <Rebecca.Makitalo@klgates.com>

Fri, Jan 2, 2026 at 8:36 PM

To: vsvconsult <vsvconsult@gmail.com>

Cc: Arjun Vasan <arjun.vasan@gmail.com>, "Keech, Ryan Q." <Ryan.Keech@klgates.com>, "Winningham, Jacob R." <Jacob.Winningham@klgates.com>, "Chiu, Stacey G." <Stacey.Chiu@klgates.com>

Mr. Varadarajan,

Attached for service please find Checkmate.com Inc.'s Notice of Deposition of Vasan Varadarajan.

Thank you,

Rebecca Makitalo

Associate

K&L Gates LLP
10100 Santa Monica Blvd

8th Floor

Los Angeles, CA 90067

Phone: 310 552-5502

rebecca.makitalo@klgates.com

www.klgates.com

This electronic message contains information from the law firm of K&L Gates LLP. The contents may be privileged and confidential and are intended for the use of the intended addressee(s) only. If you are not an intended addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this e-mail in error, please contact me at Rebecca.Makitalo@klgates.com.

 [Checkmate.com Inc.'s Notice of Deposition of Vasan Varadarajan.pdf](#)
340K

vsvconsult <vsvconsult@gmail.com>

Sat, Jan 3, 2026 at 11:26 PM

To: "Makitalo, Rebecca I." <Rebecca.Makitalo@klgates.com>

Cc: Arjun Vasan <arjun.vasan@gmail.com>, "Keech, Ryan Q." <Ryan.Keech@klgates.com>, "Winningham, Jacob R." <Jacob.Winningham@klgates.com>, "Chiu, Stacey G." <Stacey.Chiu@klgates.com>

Checkmate Counsel,

As I had indicated in my earlier emails, I would like the deposition to be remote for health reasons with associated risks due to travel time and deposition time away from my residence. In your replies you wanted to know the specific reasons, which I believed to be private information. I had these notes with me at the hearing on Nov 20, and indicated so, but did not have the opportunity to present

them. Now, I have attached notes from my Doctor's recommending remote deposition. The notes also indicate the contact information to the Doctor's office.

If you do accept:

I propose a remote deposition via videoconference. I have used zoom and if you prefer other video conferencing methods, please indicate so that I can verify and confirm that I will be able to use those.

Date: Monday, Jan 12, 2025 (as agreed)

Time: Any time after 11:00 AM (as indicated by you)

Location: 12615 193rd Street, Cerritos CA 90703

Facilities: Private secure room using a laptop with camera and Zoom (or other preferred method).

People present: Mr. Vasan Varadarajan

Any breaks for reasonable constraints can be accommodated on mutual acknowledgment.

Deposition related material such as documents submitted, disclosures, requests along with relevant information such as timelines, court papers may be brought into the room for reference by Mr. Vasan Varadarajan.

Please respond back to this email, by Monday, Jan 5th. Further to expedite the process, I am also attaching the modified Notice for the remote deposition for your use as appropriate.

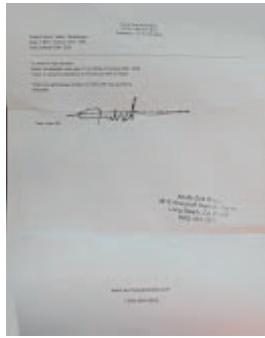
Sincerely

Vasan Varadarajan

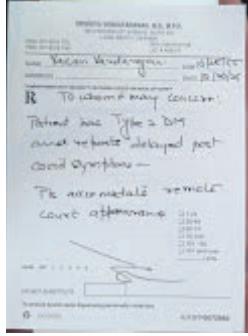
PS: Rule references: Rule 3.1010. Oral depositions by telephone, videoconference, or other remote electronic means

[Quoted text hidden]

3 attachments



DrTarekAlasil.jpg
640K



DrSridhyaNote.jpg
2285K



vsvconsult <vsvconsult@gmail.com>
To: "Makitalo, Rebecca I." <Rebecca.Makitalo@klgates.com>

Mon, Jan 5, 2026 at 10:29 PM

Gmail - Mail.google.com [Checkmate.com] (Case 2:25-cv-00765-MEMF-AS)

Cc: Arjun Vasan <arjun.vasan@gmail.com>, "Keech, Ryan Q." <Ryan.Keech@klgates.com>, "Winningham, Jacob R." <Jacob.Winningham@klgates.com>, "Chiu, Stacey G." <Stacey.Chiu@klgates.com>

Checkmate Counsel,

Please respond to the Remote Deposition email, and modify the served Notice appropriately.

As per Rule 3.1010. Oral depositions by telephone, videoconference, or other remote electronic means are permitted. With mutual agreement technology, confidentiality, and exhibit handling. These new platforms and best practices have been widely adopted.

They have also been declared to be prudent and effective as per case:

'In re University of San Diego Tuition and Fees COVID-19 Refund Litigation', Case No. 20-cv-1946-LAB-WVG.

(ORDER REGARDING DISCOVERY DISPUTE RAISED JANUARY 6, 2023; REMOTE DEPOSITIONS OF PLAINTIFFS)

I had given evidence (documents) of my reasons which were health risks and the Doctor's recommendation. The court order in the hearing dated Nov. 20, 2025 denying Remote appearance (DKT. NO. 123) based on 'failure to provide any documentation or support for his assertion'. While I was in possession of the documents at the hearing, I did not get the opportunity to present them. This has been remediated with the documents in my previous email.

Remote appearance is even more important to me today due to the significant increases in the cases of flu (H3N2 flu strain (subclade K) - <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/RespiratoryVirusReport.aspx>

This is my second email on this subject.

Please respond by email before 11:00 AM tomorrow - Jan 6, 2025

I also note that you did not respond to my request for informal resolution of Modification of Requests as per Court order documents and in essence refused to 'Jointly submit' indicating a disdain for Court processes. I hope that is not repeated here.

Sincerely,
Vasan Varadarajan

[Quoted text hidden]

Keech, Ryan Q. <Ryan.Keech@klgates.com>

Mon, Jan 5, 2026 at 10:39 PM

To: vsvconsult <vsvconsult@gmail.com>, "Makitalo, Rebecca I." <Rebecca.Makitalo@klgates.com>

Cc: "Winningham, Jacob R." <Jacob.Winningham@klgates.com>, "Chiu, Stacey G." <Stacey.Chiu@klgates.com>

Mr. Varadarajan:

We will not be responding to further emails of this nature. As you know, the Court rejected all of your arguments on these points and issued a comprehensive order addressing your noncompliance, which governs your obligations in the matter. Further questions can and should be addressed to your own counsel.

Best regards,

Ryan Q. Keech
Partner
K&L Gates LLP
10100 Santa Monica Blvd., 8th Floor
Los Angeles, California 90067
Phone: 310.552.5070
Mobile: 646.510.3630
ryan.keech@klgates.com
www.klgates.com

From: vsvconsult <vsvconsult@gmail.com>

Sent: Monday, January 5, 2026 10:29:51 PM

To: Makitalo, Rebecca I. <Rebecca.Makitalo@klgates.com>

Gmail - Mail.google.com - Arjun.Vasan@klgates.com (Case 2:25-cv-00765-MEMF-AS)

Cc: Arjun Vasan <arjun.vasan@gmail.com>; Keech, Ryan Q. <Ryan.Keech@klgates.com>; Winningham, Jacob R.<Jacob.Winningham@klgates.com>; Chiu, Stacey G. <Stacey.Chiu@klgates.com>

Subject: Re: Arjun Vasan v. Checkmate.com, Inc.; CV 25-00765-MEMF (ASx)

[Quoted text hidden]

vsvconsult <vsvconsult@gmail.com>

Tue, Jan 6, 2026 at 11:00 AM

To: "Keech, Ryan Q." <Ryan.Keech@klgates.com>Cc: "Makitalo, Rebecca I." <Rebecca.Makitalo@klgates.com>, "Winningham, Jacob R." <Jacob.Winningham@klgates.com>, "Chiu, Stacey G." <Stacey.Chiu@klgates.com>

Checkmate Counsel,

I was mistaken in my previous email in the sentence "The court order in the hearing dated Nov. 20, 2025 denying Remote appearance (DKT. NO. 123) based on 'failure to provide any documentation or support for his assertion". That order dated Nov 18, 2025 was for my request for a remote court appearance on the Nov 20 hearing **NOT THE DEPOSITION**. I appeared in person to the court on Nov 20.

For the deposition the court order/minutes (Document No 131, filed on 12/1/2025) states that Mr. Vasan Varadarajan (I) "has not responded to Checkmate's repeated requests for information substantiating his request for a remote deposition due to health issues, or an inability to appear in person" and that "Checkmate has valid reasons for requiring an in-person deposition due to Plaintiff's improper interference with its attempts to obtain discovery and subpoena compliance from V. Varadarajan, (see Dkt. No. 112 at 9-10)"

I have addressed both of these in my email correspondence by providing information on health reasons from Doctor's notes/recommendations. I had also indicated that a private room with only me present along with Video Conferencing facilities and related documents will be used. I further stressed its importance today with [Flu reaches highest level in 25 years](https://www.cnn.com/2026/01/05/health/flu-highest-level-25-years) ('<https://www.cnn.com/2026/01/05/health/flu-highest-level-25-years>').

I had also referred the Rule 3.1010, and a related case, and that remote depositions are commonplace. I will ignore your statement "We will not be responding to further emails of this nature."

I am compelled to assume that you object to the remote deposition however. If you wish to reconsider let me know by 2:00PM today Jan 6. Failing which, I shall file a motion with the court requesting remote disposition.

Sincerely,

Vasan Varadarajan

[Quoted text hidden]

1 Ryan Q. Keech (SBN 280306)
2 Ryan.Keech@klgates.com
3 Stacey Chiu (SBN 321345)
4 Stacey.Chiu@klgates.com
5 Rebecca I. Makitalo (SBN 330258)
6 Rebecca.Makitalo@klgates.com
7 Jacob R. Winningham (SBN 357987)
8 Jacob.Winningham@klgates.com
9 K&L GATES LLP
10 10100 Santa Monica Boulevard
11 Eighth Floor
12 Los Angeles, California 90067
13 Telephone: +1 310 552 5000
14 Facsimile: +1 310 552 5001

Attorneys for Defendant and Counterclaimant
CHECKMATE.COM INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

14 | ARJUN VASAN,

Case No. 2:25-CV-00765-MEMF-AS

15 Plaintiff.

Magistrate Judge Alka Sagar

10

**CHECKMATE.COM INC.'S
NOTICE OF DEPOSITION OF
VASAN VARADARA.JAN**

18 | CHECKMATE.COM, INC.

19 || Defendant

Date: January 12, 2026

Date: January 12
Time: 11:00 a.m.

Place: K&L Gates LLP

10100 Santa Monica Blvd., 8th
Los Angeles, California 90067

CHECKMATE.COM.BR

22 || Counterclaim Plaintiff

25

25 | ARJUN VASAN.

26 Counterclaim-
27 Defendant.

1 **TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that pursuant to Rule 45 of the Federal Rules of
3 Civil Procedure and the Court's Order dated December 1, 2025 (Dkt. 131), at 11:00
4 a.m. on January 12, 2026, Defendant Checkmate.com, Inc. ("Defendant" or
5 "Checkmate"), by and through its attorneys of record, will take the deposition upon
6 oral examination of Vasan Varadarajan. The deposition shall take place at the offices
7 of K&L Gates LLP, 10100 Santa Monica Blvd., 8th Fl., Los Angeles, California
8 90067.

9 **PLEASE TAKE FURTHER NOTICE** that pursuant to Federal Rule of Civil
10 Procedure 45(a)(B) the deposition will take place before a notary public or other
11 officer authorized to administer oaths, will be recorded by stenographic method
12 through the instant visual display of testimony, audio means, and/or videotape, and
13 will continue until complete consistent with the Federal Rules of Civil Procedure.

14 **PLEASE TAKE FURTHER NOTICE** that Checkmate reserves the right to
15 use at trial the recording and/or transcript of the deposition. The deposition will be
16 taken for the purposes of discovery, for use at trial, and for all other permissible
17 purposes under the Federal Rules of Civil Procedure.

18
19 Date: January 2, 2026

K&L GATES LLP



20
21
22 Ryan Q. Keech (SBN 280306)
23 Stacey Chiu (SBN 321345)
24 Rebecca I. Makitalo (SBN 330258)
25 Jacob R. Winningham (SBN 357987)
26 10100 Santa Monica Boulevard, 8th Floor
27 Los Angeles, California 90067
28 Telephone: 310.552.5000
Facsimile: 310.552.5001

27 *Attorneys for Defendant and Counter-
28 Claimant CHECKMATE.COM INC.*

1 **PROOF OF SERVICE**

2 I am employed in the County of Los Angeles, State of California, over the age of eighteen
3 years, and not a party of the within action. My business address is 10100 Santa Monica Blvd.
8th Floor Los Angeles, CA 90067.

4 On **January 2, 2026**, I served the foregoing document(s) described as:

5 **Checkmate.com Inc's Notice of Deposition of Vasan Varadarajan,**

6 on the interested parties in this action as follows:

7
8 Vasan Varadarajan
9 12615 193rd Street
Cerritos, CA 90703
10 Email: vsvconsult@gmail.com

11 **(BY ELECTRONIC MAIL)** Pursuant to C.R.C. 2.251 or agreement by all parties, I
12 served the described document(s) by emailing it to each of the aforementioned
13 electronic mail addresses and the transmission was reported as complete and without
error. My email address is Rebecca.makitalo@klgates.com.

14 **(VIA U.S. MAIL)** In accordance with the regular mailing collection and processing
15 practices of this office, with which I am readily familiar, by means of which mail is
16 deposited with the United States Postal Service at Los Angeles, California that same
17 day (or the following day if after business hours) in the ordinary course of business, I
deposited such sealed envelope, with postage thereon fully prepaid, for collection and
mailing on the following day following ordinary business practices, addressed as set
forth above.

18 I declare under penalty of perjury under the laws of the State of California that the above is
true and correct. Executed on **January 2, 2026**, at Los Angeles, California.

19 /s/ Rebecca I. Makitalo

20 Rebecca I. Makitalo